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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/993,670	11/27/2001	Song Han	19111.0053	8023

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SWIDLER BERLIN LLP  
3000 K STREET, NW  
BOX IP  
WASHINGTON, DC 20007

EXAMINER
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PATEL, DHAIRYA A

ART UNIT	PAPER NUMBER
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2151

DATE MAILED: 05/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/993,670

Applicant(s)

HAN ET AL.

Examiner

Dhairya A. Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-11,13-21 and 23-30 is/are pending in the application.
- 4a) Of the above claim(s) 2,12 and 22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed. *Sn*
- 6) ☒ Claim(s) 1,3-11,13-21 and 23-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This action is in responsive to communication filed on 4/12/2005. Claims 1,3-11,13-21 and 23-30 are subject to examination. Claims 2,12,22 were cancelled.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1,3-8,10,11,13-18,20,21,23-28,30 are rejected under 35 U.S.C. 102(e) as being anticipated by Reed et al. U.S. Patent # 6,263,209 (hereinafter Reed)

1. As per claim 1, Reed teaches a method for providing location-based event service comprising the steps of:

a) obtaining information indicating a current location of at least one mobile user, the at least one mobile user including a selected mobile user; (column 5 lines 54-63)

The reference teaches getting current location of the user at current time of day.

b) determining if at least one condition relating to a location of at least one mobile user is satisfied based on the indicated current location of the at least one mobile user (column 5 lines 54-67);

The reference teaches comparing the current location just taken with the attribute stored in the database (determining at least one condition) to determine whether an alert is necessary. Therefore when the comparing the current location with the attribute stored in the database is satisfied is same as determining if at least one condition (comparing) relating to a location of at least one mobile user is satisfied.

c) performing at least one event, if at least one condition is satisfied (column 5 lines 54-67) (column 6 lines 1-4); and

The reference teaches if the condition is satisfied an alert (one event) is generated.

d) determining a time interval to wait before repeating steps a)-c)(column 5 lines 54-67)(column 6 lines 1-4, lines 40-42) wherein the step of determining a time interval to wait comprises the steps of selecting as the selected mobile user a mobile user that is least likely to cause a condition to be satisfied (column 5 lines 54-67)(column 6 lines 1-20), and determining the time interval to wait based on the selected mobile user (column 5 lines 54-67)(column 6 lines 1-4, lines 40-42).

The reference teaches a mobile user is selected and when the user is in the building the subscriber unit compares the current time with the predetermined time which is estimated based on the velocity and the direction measurements of the user in the building (determining time interval based on the selected mobile user) and the user

leaves the building before the predetermined time calculated and the alert will not be sent to the user (least likely to cause a condition to be satisfied)

2. As per claim 3, Reed teaches the method of claim 1, wherein the step of determining a time interval to wait based on the selected mobile user comprises the steps of:

- estimating a time at which the selected mobile user is likely to satisfy a condition based on at least one of: a distance from a current location of the selected mobile user to a region relevant to the condition, a velocity of the selected mobile user; and (column 5 lines 54-67)(column 6 lines 1-4, lines 40-42).

- determining the time interval to wait based on the estimated time at which the selected mobile user is likely to satisfy a condition and a time tolerance. (column 5 lines 54-67)(column 6 lines 1-4, lines 40-42).

3. As per claim 4, Reed teaches the method of claim 3, wherein the obtaining step comprises the steps of:

- searching a cache operable to store information indicating locations of mobile users for information indicating a location of the at least one mobile user; (column 5 lines 54-67) (column 6 lines 1-4) (column 6 lines 21-34)

The reference teaches portable subscriber unit records (Cache) the information indicating the locations of mobile user and later uses the cache to compare it.

- using the information indicating the location of the at least one mobile user as the information indicating the current location of the at least one mobile user, if the

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information indicating the location of the at least one mobile user is found in the cache;  
(column 5 lines 54-67) (column 6 lines 1-4, lines 21-34, lines 45-52) and

The reference teaches comparing the current location information with the attribute (stored in cache) to determine if the alert is necessary.

-querying at least one mobile positioning server to obtain the information indicating the current location of the at least one mobile user, if the information indicating the location of the at least one mobile user is not found in the cache.  
(column 6 lines 1-4, lines 21-52)

4. As per claim 5, Reed teaches the method of claim 4, wherein the at least one event comprises transmitting a message (column 5 lines 54-67) (column 6 lines 1-20).

The reference teaches the alert message is transmitted to the mobile user.

5. As per claim 6, Reed teaches the method of claim 5, wherein the message is transmitted to a mobile user. (Column 5 lines 54-67) (Column 6 lines 1-20). The reference teaches the alert message is transmitted to the mobile user.

6. As per claim 7, Reed teaches the method of claim 5, wherein the message is transmitted to a non-mobile user (Column 6 lines 31-62).

The reference teaches updates the second customer (non-mobile user) about the delay of the sales person (Mobile user) who was scheduled to arrive at a certain time.

7. As per claim 8, Reed teaches the method of claim 4, wherein the at least one condition relates to a location of one mobile user (column 5 lines 54-67) (column 6 lines 1-20).

The reference teaches the comparison is made between current location and time with the attribute to alert the user. So as stated in example in column 6 lines 5-20 if the user is still in the building (location) before the building closes in 10 minutes, it is going to send an alert message (one condition).

8. As per claim 10, Reed teaches the method of claim 4, wherein the at least one condition relates to a location of a mobile user and to a time. (column 5 lines 54-67) (column 6 lines 1-20).

The reference teaches the comparison is made between current location and time with the attribute to alert the user. So as stated in example in column 6 lines 5-20 if the user is still in the building (location) before the building closes in 10 minutes (time), it is going to send an alert message (one condition).

9. As per claims 11,13-18,20,21,23-28,30, they teach same limitations as claims 1,3-8,10 respectively, therefore rejected under same basis.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9,19,29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reed et al. U.S. Patent # 6,263,209 (hereinafter Reed).

10. As per claim 9, Reed teaches the method of claim 4 wherein the at least one

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condition relates to locations but is silent on a plurality of mobile users. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to apply condition relating to the location to plurality of mobile users instead of mobile user. The motivation for doing so would have been to involve more mobile users to be part of the location based event system.

11. As per claim 19,29 it teaches same limitations as claim 9, therefore rejected under same basis.

### **Remarks**

The applicant asserts following remarks:

Remark 1, the applicant states according to claim 1, Reed fails to suggest or disclose selecting as the selected mobile user a mobile user that is least likely to cause a condition to be satisfied, and determining the time interval to wait based on selected mobile user.

As per remark 1, Examiner asserts that in (column 5 lines 54-67)(column 6 lines 1-20, lines 40-42), the reference teaches a mobile user is selected and when the user is in the building the subscriber unit compares the current time with the predetermined time which is estimated based on the velocity and the direction measurements of the user in the building (determining time interval to wait based on the selected mobile user) and the user leaves the building before the predetermined time calculated and the alert will not be sent to the user (least likely to cause a condition to be satisfied)

Remark 2, the applicant states according to claim 9, even if Reed were modified as suggested, the result would still not disclose or suggest that the step of determining a



time interval to wait comprises the steps of selecting as the selected mobile user a mobile user that is least likely to cause a condition to be satisfied, and determining the time interval to wait based on the selected mobile user. As examiner clarified in the earlier remark that Reed teaches the deficiencies that applicant states are missing in Reed, therefore it would be obvious to modify the Reed to include a plurality of mobile users.

### ***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A). "Method and Apparatus in a wireless communication system for creating a learning function" by Reed et al. U.S. Patent # 6,263,209.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dhairya A. Patel whose telephone number is (571) 272-4066. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (571) 272-3939. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DAP

  
**ZARNI MAUNG**  
**SUPERVISORY PATENT EXAMINER**